

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No.: 3:10-CR-160
) (VARLAN/GUYTON)
DUSTIN MORGAN,)
)
Defendant.)

ORDER ADOPTING REPORT AND RECOMMENDATION

A Report and Recommendation has been forwarded to the undersigned recommending that this case be certified as extended and complex. Counsel for Defendant Dustin Morgan has been appointed pursuant to the Criminal Justice Act (18 U.S.C. § 3006A) and has filed a motion [Doc. 106] to declare this case complex and extended for purposes of court-appointed attorney's fees and requesting interim payments.

The Report and Recommendation points out that the twenty-seven-count Superseding Indictment charges four defendants with engaging in a conspiracy to distribute a variety of controlled substances over approximately twenty months during the course of their operation of a pain clinic. Defendant Morgan is also charged with possession of a firearm in furtherance of a drug trafficking crime. The Report and Recommendation further points out that the litigation of pretrial motions has been extensive and involves novel legal questions. Because of the number of defendants, the nature of the charge asserted in the indictment, and the extensive nature of the pretrial litigation, it is the opinion of the undersigned that this case

meets the definition of “complex” and “extended” and that excess payments may be necessary to provide fair compensation to counsel.

The Court agrees with the Report and Recommendation and hereby **ADOPTS** the same. This Order adopting the Report and Recommendation, along with a copy of the Report and Recommendation and an Order concerning excess and interim payments, approved by the undersigned, shall be forwarded to the United States Court of Appeals for the Sixth Circuit, to the attention of the Chief Judge of the Circuit or the Chief Judge’s designee.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE